



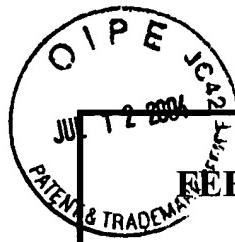
TRANSMITTAL FORM

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Serial Number</td><td>09/738,614</td></tr> <tr> <td>Filing Date</td><td>December 15, 2000</td></tr> <tr> <td>First Named Inventor</td><td>Kaufman et al.</td></tr> <tr> <td>Group Art Unit</td><td>1743</td></tr> <tr> <td>Examiner Name</td><td>Jeffrey N. Snay</td></tr> <tr> <td>Attorney Docket No.</td><td>MDS-013A</td></tr> </table>	Application Serial Number	09/738,614	Filing Date	December 15, 2000	First Named Inventor	Kaufman et al.	Group Art Unit	1743	Examiner Name	Jeffrey N. Snay	Attorney Docket No.	MDS-013A
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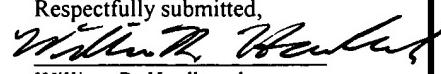
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 pg.) <input checked="" type="checkbox"/> Check Attached <input checked="" type="checkbox"/> Copy of Fee Transmittal Form (1 pg.) <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Application for Patent Term Adjustment under 35 U.S.C. 154 (b) (3 pgs.) <input checked="" type="checkbox"/> Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (1 pg.)
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  William R. Haulbrook Attorney for Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110


**EE TRANSMITTAL
FY 2004**

		<i>Complete if Known</i>	
Application Serial Number	09/738,614		
Filing Date	December 15, 2000		
First Named Inventor	Kaufman et al.		
Group Art Unit	1743		
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																	
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>420</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>950</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1480</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2010</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>330</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>330</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>290</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>770</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>770</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>110</td><td>55</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td>Petition fee for Application for Patent Term Adjustment required under 37 C.F.R. 1.705 (b)(1)</td><td>200.00</td></tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement		770	385	Filing a submission after final rejection (37 CFR 1.129(a))		770	385	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		110	55	Submission of Terminal Disclaimer		Other fee (Specify)		Petition fee for Application for Patent Term Adjustment required under 37 C.F.R. 1.705 (b)(1)	200.00
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Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted,  William R. Haulbrook Attorney for the Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																	

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PATENT
Attorney Docket No.: MDS-013A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kaufman *et al.* CONFIRMATION NO.: 2193
SERIAL NO.: 09/738,614 GROUP NO.: 1743
FILING DATE: December 15, 2000 EXAMINER: Jeffrey R. Snay
TITLE: METHOD OF MONITORING EFFECTS OF CHEMICAL AGENTS ON A SAMPLE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application for Patent Term Adjustment
under 35 U.S.C. 154 (b)

Sir:

1. This is a request for reconsideration of the patent term adjustment indicated in the Notice of Allowance. A copy of the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed from the Patent Office on June 21, 2004 is enclosed herewith.
2. Applicants submit that, in view of the statements herein, the correct patent term adjustment under 35 U.S.C. 154(b) up to the mailing date of the Notice of Allowance is 857 days. The bases for the adjustment are as follow:
 - a. Under 37 C.F.R. 1.702(a)(1), the Patent Office failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 before the expiration of fourteen months after the date on which this application was filed; and
 - b. Under 37 C.F.R. 1.702(b), the Patent Office failed to issue a patent within three years after the date on which this application was filed.

3. The relevant dates for the purpose of determining the correct patent term adjustment are as follow:

a. Adjustment under 37 C.F.R. 1.702(a)(1)

i.	Filing date of this application:	12/15/2000
ii.	Day after the fourteen-month date from the filing date of this application:	02/16/2002
iii.	Mailing date of written restriction requirement:	03/18/2004
	Number of days between (ii) and (iii):	(a) <u>762 days</u>

b. Adjustment under 37 C.F.R. 1.702(b) up to the mailing date of the Notice of Allowance

i.	Filing date of this application:	12/15/2000
ii.	Day after the three-year date from the filing date of this application:	12/16/2003
iii.	Mailing date of the Notice of Allowance:	06/21/2004
	Number of days between (ii) and (iii):	(b) <u>189 days</u>
c.	(a) + (b):	(c) <u>951 days</u>
d.	Overlap between 12/16/03 and 3/18/04:	(d) <u>94 days</u>
e.	Total number of days adjusted [(c) – (d)]:	(e) <u>857 days</u>

4. Applicants further submit that the patent to be issued is not subject to any terminal disclaimer, and that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. 1.704. Specifically, Applicants submit that responses to all notices and actions by the Patent Office were timely filed and well within the three-month period set forth in 37 C.F.R. 1.704(b):
- A Notice to File Missing Parts was mailed to the Applicant on March 19, 2001. A response by the Applicants was received in the Office on April 16, 2001.
 - A Written Restriction Requirement was mailed to the Applicant on March 18, 2004. A response by the Applicants was received in the Office on April 19, 2004.

Accordingly, Applicants submit that the sum of the periods calculated under 37 C.F.R. 1.703(a)-(e) up to the mailing date of the notice of allowance, to the extent that such periods are not overlapping, less the sum of the periods calculated under 37 C.F.R. 1.704, amounts to a patent term adjustment of 857 days.

5. Fee Payment (37 C.F.R. 1.18(e))

The fee required for consideration of this application is paid as follows:

- Enclosed is one check in the amount of \$200.00 representing the processing fees required under 37 CFR 1.705(b)(1).
- Charge Account 20-0531 for any fee deficiency.

If, for any reason, this Petition is found not to comply with the requirements of 37 CFR 1.705, or is otherwise found improper, it is requested that the undersigned attorney be contacted by telephone.

Respectfully submitted,



William R. Haulbrook, Ph.D.
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
125 High Street
Boston, MA 02110

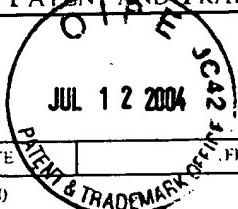
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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,614	12/15/2000	Howard Kaufman	MDS-013A	2193

021323 7590 06/21/2004
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXAMINER	
SNAY, JEFFREY R	
ART UNIT	PAPER NUMBER
1743	

DATE MAILED: 06/21/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 378 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 378 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.